

IN THE  
**United States Court of Appeals  
for the Eighth Circuit**

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NOVARTIS PHARMACEUTICALS CORPORATION,  
Plaintiff-Appellant,  
v.

ANDREW BAILEY, in his official capacity as Attorney General of the State of Missouri;  
JAMES L. GRAY, in his official capacity as President of the Missouri Board of Pharmacy;  
CHRISTIAN S. TADRUS, in his official capacity as Vice President of the Missouri Board of  
Pharmacy; DOUGLAS R. LANG, in his official capacity as a member of the Missouri Board  
of Pharmacy; COLBY GROVE, in his official capacity as a member of the Missouri Board  
of Pharmacy; ANITA K. PARRAN, in her official capacity as a member of the Missouri  
Board of Pharmacy; TAMMY THOMPSON, in her official capacity as a member of the  
Missouri Board of Pharmacy; and DARREN HARRIS, in his official capacity as a member  
of the Missouri Board of Pharmacy,

Defendants-Appellees,

—and—

MISSOURI HOSPITAL ASSOCIATION and MISSOURI PRIMARY CARE ASSOCIATION,  
Intervenors-Appellees.

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On Appeal from the United States District Court for the Western District of Missouri, 2:24-cv-04131-MDH  
The Honorable M. Douglas Harpool

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**PLAINTIFF-APPELLANT NOVARTIS PHARMACEUTICALS CORPORATION'S  
DESIGNATION AND STATEMENT OF ISSUES**

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April 14, 2025

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Pursuant to the Court’s order dated March 31, 2025, Plaintiff-Appellant Novartis Pharmaceuticals Corporation (Novartis) hereby designates and states the following issues that it intends to present on appeal:

1. Whether the District Court erred in ruling that Novartis was unlikely to succeed on the merits of its claims for injunctive relief seeking to vacate and enjoin the implementation of Missouri Law S.B. 751.

2. Whether the District Court erred in ruling that the remaining preliminary injunction factors—the threat of irreparable harm, the balance of equities, and the public interest—weigh against the issuance of Novartis’s requested preliminary injunction.

Novartis reserves the right to add to, subtract from, or modify this list in briefing the appeal.

April 14, 2025

Respectfully submitted,

/s/ Jessica L. Ellsworth  
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## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the Court's CM/ECF system on April 14, 2025. All counsel of record are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Jessica L. Ellsworth  
Jessica L. Ellsworth